UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,875	06/15/2000	Yoshiro Yoda	00442/LH	8911

1933 7590 03/23/2006

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
HERNANDEZ, NELSON D	
ART UNIT	**PAPER NUMBER**
2622	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/594,875	YODA, YOSHIRO	
	Examiner	Art Unit	
	Nelson D. Hernandez	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *RCE filed on January 11, 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5,6,8-10 and 14-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10* is/are allowed.

6)☒ Claim(s) *5,6,8,9 and 14-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 11, 2006 has been entered.

Response to Amendment

2. The Examiner acknowledges the amended claims filed on December 13, 2005. Claims 5, 14 and 16 have been amended. Claims 1-4, 7, 11-13 and 18 have been cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 5, 14 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. **Claim 5** is objected to because of the following informalities: Claim 5 recites "... wherein the transmission means transmits only an image file identified by said identifier

which is received by said receiving means to the master unit, *the image file transmitted is unrecorded in a recording apparatus of the master unit to the master apparatus and the image file is recorded in the recording apparatus of the master unit upon being transmitted to the master unit by said transmission means*". Is the limitation trying to say that the transmission means transmits only an image file identified by said identifier which is received by said receiving means, as being an image file unrecorded in a recording apparatus of the master unit to the master unit and recording the image file in the recording apparatus of the master unit upon being transmitted to the master unit by said transmission means? For examining purposes the limitation will be read as "...wherein the transmission means transmits only an image file identified by said identifier which is received by said receiving means, as being an image file unrecorded in a recording apparatus of the master unit to the master unit and recording the image file in the recording apparatus of the master unit upon being transmitted to the master unit by said transmission means". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis, US Patent 6,535,243 B1 in view of Coman, US Patent 6,438,619 B1.

Regarding claim 5, Tullis discloses an electronic camera (Fig. 2: 40) comprising: processing means (Fig. 2: 56) for compression processing an image obtained by sensing (Col. 4, lines 21-31; col. 6, lines 34-44); recording means (Fig. 2: 52) for recording the processed image as an image file (Col. 4, lines 21-46); transmission means (Fig. 2: 72) for transmitting the image file recorded said recording means upon receiving base station (Fig. 2: 10) identification information of a master unit in position registration processing according to movement (Tullis teaches broadcasting signals that designate the availability of the host computer, see col. 5, lines 13-42), the master unit having registered a self device as a subsidiary unit; receiving means (Fig. 2: 76) for receiving the identifier from the master unit, wherein the transmission means transmits only the an image unrecorded in a recording apparatus of the master unit (memory/hard disk of the computer or memory of the wireless telephone; see) to the master unit and the image file is recorded in the recording apparatus of the master unit upon being transmitted to the master unit by said transmission means (Tullis teaches directly transmitting a captured image to the host computer for storage, col. 6, lines 34-63).

Tullis fails to teach receiving the identifier of said image file recorded in the recording means from the master unit and that the transmission means transmits only an image file identified by said identifier which is received by said receiving means, as being an image file unrecorded in a recording apparatus of the master unit to the master unit and recording the image file in the recording apparatus of the master unit upon being transmitted to the master unit by said transmission means.

However, Coman teaches a communication system (Fig. 1), comprising a host system (Fig. 1: 50) and a remote communication system (Fig. 1: 10), wherein when information is to be transferred from the host system to the remote system, said remote system checks whether the file already exists in its memory (hard disk drive shown in fig. 1: 18), and if the file exists, the remote system inform the host system that the file already exists in the memory and the host system proceeds to send the information that is not present in the files and files not present in the memory (Col. 5, lines 16-58; col. 11, lines 16-47) so as to not duplicate files already present in the memory or having files with the same name in the memory. Coman also discloses that the method can be performed when transmitting information from the remote system to the host system (Col. 1, lines 44-47).

Therefore, taking the combined teaching of Tullis in view of Coman as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tullis by receiving an identifier of the image file recorded in the recording means from the master unit and having the transmission means transmits only an image file identified by the identifier which is received by the receiving means, as being an image file unrecorded in a recording apparatus of the master unit to the master unit and recording the image file in the recording apparatus of the master unit upon being transmitted to the master unit by the transmission means. The motivation to do so would have been to avoid duplicate files already present in the memory or having files with the same name in the memory.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis, US Patent 6535243 B1 in view of Coman, US Patent 6,438,619 B1 and further in view of Wakui, US Patent 6,262,767 B1.

Regarding claim 6, the combined teaching of Tullis in view of Coman discloses transmitting image data from a hand held digital camera to a host computer via wireless but fails to teach automatically erasing the image data from the memory upon transfer of the data from the camera to the computer.

However, Wakui teaches a digital camera (See fig. 1), wherein after transmitting image data to a remote controller (Fig. 1: 3), it erase the image data that has been transmitted to said controller (Col. 16, lines 9-15).

Therefore, taking the combined teaching of Tullis in view of Coman and further in view of Wakui as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tullis by erasing the image data in the memory of the digital camera after transmitting image data to the host. The motivation to do so would help the digital camera to reserve memory space for other captured images.

8. Claims 8 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka, US Patent 6,392,697 B1 in view of Coman, US Patent 6,438,619 B1.

Regarding claim 8, Tanaka discloses an electronic camera (See fig. 1) comprising: recording means (Fig. 2: 14 and 2: 46) for recording an image obtained by sensing (using CCD camera shown in fig. 2: 10) as an image file; means for determining

a master unit capable of communication at the highest level (In col. 1, lines 65-67, Tanaka teaches transmitting image data to a remote device i.e. a computer; In Tanaka the digital still camera not only communicates to a computer but also to other portable devices including wireless phone by using the designated telephone number, which means that the camera is connected to a wireless network, this also means that the digital still camera also communicates to a base station in order to communicate to the wireless telephone or the computer connected to the base station through a modem) in which a self device is registered as a subsidiary unit (See col. 5, lines 30-44); means for when it is determined the master unit in which the self device is registered as the subsidiary unit, transmitting a file name the image file recorded in said recording means to the master unit (Col. 1, line 65 – col. 2, line 15; col. 2, lines 43-51; col. 3, lines 1-59; col. 4, lines 18 – col. 5, line 51).

Tanaka fails to teach determining whether a base station capable of communication at the highest level is a master unit in which a self device is registered as a subsidiary unit; receiving a file name of an untransmitted image file from the master unit; and means for transmitting an image file corresponding to the received file name of the untransmitted image file to the master unit.

However, Coman teaches a communication system (Fig. 1), comprising a host system (Fig. 1: 50) and a remote communication system (Fig. 1: 10), wherein when information is to be transferred from the host system to the remote system, said remote system checks whether the file already exists in its memory (hard disk drive shown in fig. 1: 18), and if the file exists, the remote system inform the host system that the file

already exists in the memory and the host system proceeds to send the information that is not present in the files and files not present in the memory (Col. 5, lines 16-58; col. 11, lines 16-47) so as to not duplicate files already present in the memory or having files with the same name in the memory. Coman also discloses that the method can be performed when transmitting information from the remote system to the host system (Col. 1, lines 44-47).

Therefore, taking the combined teaching of Tanaka in view of Coman as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka by receiving a file name of an untransmitted image file from the master unit; and means for transmitting an image file corresponding to the received file name of the untransmitted image file to the master unit. The motivation to do so would have been to avoid duplicate files already present in the memory or having files with the same name in the memory.

The combined teaching of Tanaka in view of Coman fails to teach determining whether a base station capable of communication at the highest level is a master unit in which a self-device is registered as a subsidiary unit.

However, Official Notice is taken that determining whether a base station capable of communication at the highest level is a master unit in which a self-device is registered as a subsidiary unit in a handy phone system is notoriously well known in the art so as to establish communication with the base station with the best signal and to properly identify a subsidiary unit in the network. Therefore, it would have been obvious to one of ordinary skill in the art to determine whether a base station capable of

communication at the highest level is a master unit in which a self-device is registered as a subsidiary unit with the motivation of establishing communication with the base station with the best signal in order maintain communication while moving from one place to the other and to properly identify the subsidiary units in the network.

Regarding claim 14, Tanaka discloses an electronic camera system (Fig. 1) comprising: an electronic camera (Figs. 1: 5 and 2: 10) having a unique identification code (subscriber telephone number) and capable of transferring image sensing data stored in nonvolatile storage means (Fig. 2: 14 and 2: 46) to a predetermined partner by data communication compatible to a personal handy phone system (PHS), said electronic camera storing the image sensing data in said nonvolatile storage means; and a base station unit of the personal handy phone system (PHS) (In col. 1, lines 65-67, Tanaka teaches transmitting image data to a remote device i.e. a computer; In Tanaka the digital still camera not only communicates to a computer but also to other portable devices including wireless phone by using the designated telephone number, which means that the camera is connected to a wireless network, this also means that the digital still camera also communicates to a base station in order to communicate to the wireless telephone or the computer connected to the base station through a modem) unit which has a unique identification code (See col. 5, lines 30-44) and a predetermined storage (By teaching transmitting image data to a remote computer, Tanaka inherently discloses that the base station has a storage for the received images) unit and is capable of data communication compatible to said personal handy phone system, and which performs data communication with said electronic camera and stores

the transferred image sensing data in said predetermined storage unit (Col. 1, line 65 – col. 2, line 15; col. 2, lines 43-51; col. 3, lines 1-59; col. 4, lines 18 – col. 5, line 51).

Tanaka fails to teach that the electronic camera receives the identification code of the base station in position registration processing according to movement and wherein the electronic camera transfers only image sensing data which is identified as the unrecorded data in the predetermined storage unit of the base station to the base station unit and the image sensing data is recorded in the predetermined storage unit of the base station unit upon being transmitted by the electronic camera.

However, Coman teaches a communication system (Fig. 1), comprising a host system (Fig. 1: 50) and a remote communication system (Fig. 1: 10), wherein when information is to be transferred from the host system to the remote system, said remote system checks whether the file already exists in its memory (hard disk drive shown in fig. 1: 18), and if the file exists, the remote system inform the host system that the file already exists in the memory and the host system proceeds to send the information that is not present in the files and files not present in the memory (Col. 5, lines 16-58; col. 11, lines 16-47) so as to not duplicate files already present in the memory or having files with the same name in the memory. Coman also discloses that the method can be performed when transmitting information from the remote system to the host system (Col. 1, lines 44-47).

Therefore, taking the combined teaching of Tanaka in view of Coman as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka by transferring only image sensing data which is identified

as the unrecorded data in the predetermined storage unit of the base station to the base station unit and the image sensing data is recorded in the predetermined storage unit of the base station unit upon being transmitted by the electronic camera. The motivation to do so would have been to avoid duplicate files already present in the memory or having files with the same name in the memory.

The combined teaching of Tanaka in view of Coman fails to teach that the electronic camera receives the identification code of the base station in position registration processing according to movement.

However, Official Notice is take that receiving identification code of the base station in position registration processing according to movement in a handy phone system is notoriously well known in the art so as to establish communication with the base station with the best signal. Therefore, it would have been obvious to one of ordinary skill in the art to receive the identification code of the base station in position registration processing according to movement with the motivation of establishing communication with the base station with the best signal in order maintain communication while moving from one place to the other.

Regarding claim 15, Tanaka discloses that the electronic camera is set as a subsidiary unit having said base station unit as a master unit and transfers the image sensing data only when said master unit and said subsidiary unit can directly perform data communication (Col. 5, line 58 – col. 7, line 22; see also Col. 1, line 65 – col. 2, line 15; col. 2, lines 43-51; col. 3, lines 1-59; col. 4, lines 18 – col. 5, line 51).

Regarding claim 16, Tanaka discloses an electronic camera (Figs. 1: 5 and 2: 10) capable of communication on a personal handy phone system (Fig. 1), comprising: an image processing unit (Fig. 2: 41 and 35) configured to process image data obtained by an image of said camera; a storage unit (Fig. 2: 14 and 2: 46) configured to store said image data as an image file by assigning a unique file name (Assigning a unique file name to the images is inherent in Tanaka so as to identify the images to be transmitted); and a communication unit (Fig. 2: 11) configured to communicate with a specified communication unit when said specified communication unit is found to establish mutual communication (Mobile telephones transmit broadcasting signals to establish mutual communication with the Mobile Services Switching Center (MSC)) (Col. 1, line 65 – col. 2, line 15; col. 2, lines 43-51; col. 3, lines 1-59; col. 4, lines 18 – col. 5, line 51).

Tanaka teaches transmitting the image file to other communication unit but does not explicitly disclose that said communication unit transmits said image file stored in said storage to said specified communication unit if it is determined that said image file is not previously sent to said specified communication unit.

However, Coman teaches a communication system (Fig. 1), comprising a host system (Fig. 1: 50) and a remote communication system (Fig. 1: 10), wherein when information is to be transferred from the host system to the remote system, said remote system checks whether the file already exists in its memory (hard disk drive shown in fig. 1: 18), and if the file exists, the remote system inform the host system that the file already exists in the memory and the host system proceeds to send the information that

is not present in the files and files not present in the memory (Col. 5, lines 16-58; col. 11, lines 16-47) so as to not duplicate files already present in the memory or having files with the same name in the memory. Coman also discloses that the method can be performed when transmitting information from the remote system to the host system (Col. 1, lines 44-47).

Therefore, taking the combined teaching of Tanaka in view of Coman as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka by transmitting the image file stored in said storage to the specified communication unit if it is determined that the image file is not previously sent to the specified communication unit. The motivation to do so would have been to avoid duplicate files already present in the memory or having files with the same name in the memory.

Regarding claim 17, limitations can be found in claim 16.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka, US Patent 6,392,697 B1 in view of Coman, US Patent 6,438,619 B1 and further in view of Ishida, US Patent 5,367,618.

Regarding claim 9, the combined teaching of Tanaka in view of Coman fails to teach means for disconnecting communication with the master unit after the image file corresponding to the file name of the untransmitted image file is transmitted to the master unit.

However, disconnecting communication between two devices after transmitting a file is notoriously well known in the art as taught by Ishida. Ishida teaches that after a

document data transmission is ended, the transmitting unit, when the confirmation signal is received from the receiving unit, sends to the data communication network a disconnection request signal, requesting that the call to the receiving unit be disconnected from the network. With the disconnection request signal being received, the data communication network transmits a disconnection command signal to the receiving unit, informing of the disconnection of the receiving unit from the network. This signal transmission enables the communication path between the transmitting unit and the receiving unit to be terminated (See fig. 3, col. 3, line 58 – col. 4, line 65).

Therefore, taking the combined teaching of Tanaka in view of Coman and further in view of Ishida as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tanaka by disconnecting communication with the master unit after the image file corresponding to the file name of the untransmitted image file is transmitted to the master unit. The motivation to do so would have been to open the channel of communication to other devices trying to communicate to the electronic camera in the network and also would free the communication channel of the master unit so it can transmit or receive data from other subsidiary devices in the network.

Allowable Subject Matter

1. **Claim 10 is allowed.**

2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 10, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, in combination with the existing elements of the present claim as currently presented, a control section for transmitting a file name of the image file recorded on said memory card to said personal handy phone unit, searching said memory card for an image file corresponding to a file name an untransmitted image file, the file name being transmitted from said personal handy phone unit, and transmitting the image file found by the search to said personal handy phone unit, and said personal handy phone unit transmits a file name of the image file recorded on said memory card and sent from said control section to a master unit in which a self device is registered as a subsidiary unit, receives a file name of an untransmitted image file from the master unit, transmits an image file corresponding to the received file name of the untransmitted image file to said control section, and transmits the image file found by the search transmitted from said control section to the master unit.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
March 20, 2006

DAVID OMETZ
SUPERVISORY PATENT EXAMINER